

Notice of Allowability

Application No.

10/005,032

Examiner

Aaron M Richer

Applicant(s)

NAKATANI, RINTARO

Art Unit

2676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 23 November 2004.
2. ☒ The allowed claim(s) is/are 2-4.
3. ☒ The drawings filed on 11 February 2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☒ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Bruce Adams on December 20, 2004.

The application has been amended as follows:

In the claims:

In claim 2, line 23, after – by a user --, change “to display” to – and displaying --.

DETAILED ACTION

Priority

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on December 26, 2000. It is noted, however, that applicant has not filed a certified copy of the 2000-395257 application as required by 35 U.S.C. 119(b).

3. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on February 2, 2001. It is noted, however, that applicant has not filed a certified copy of the 2001-026370 application as required by 35 U.S.C. 119(b).

Allowable Subject Matter

4. Claims 2-4 are allowed.

5. As to claim 2, Barber (U.S. Patent 5,579,462) discloses a derived data display adjustment system, comprising:

a display screen for displaying the plurality of characteristic curves and a plurality of derived numerical data values calculated from the characteristic curves (fig. 18; col. 12, lines 25-33);

means for displaying a derived numerical data calculation user interface on the display screen to enable user selection of a derived numerical data calculation process for calculating a derived numerical data value from one of the characteristic curves when the characteristic curve is selected by the user (fig. 2 and fig. 15; col. 12, lines 54-67; "peak mode" enables calculation of characteristics related to a peak);

Barber does not disclose means for displaying a derived numerical data adjustment user interface on the display screen to enable user adjustment of a display position of a derived numerical data value when the derived numerical data value is selected by the user. Alexander (U.S. Patent 6,262,728), however, discloses a system to display annotations and move them if the location is inconvenient (col. 16, lines 48-65).

Neither Barber nor Alexander discloses means for determining whether the derived numerical data calculation process is possible when one of the characteristic curves or one of the derived numerical data values is selected by a user, and displaying one of the derived data calculation user interface and the derived data adjustment user interface based on the determination result. Barber discloses a spectrometer with *characteristic curves* that are selectable, but does not disclose that the *derived numerical data* values are selectable. Determining whether a calculation process is possible is not disclosed by Barber, and in fact would be completely unnecessary to Barber's invention, since Barber can only select characteristic curves, and can only launch a derived numerical data calculation process. Alexander discloses a derived data adjustment user interface, but also fails to disclose determining means to decide whether a calculation process is possible. Since neither of these references discloses the determining means as recited in claim 2, the combination of the references does not render claim 2 obvious.

6. The following is an examiner's statement of reasons for allowance:

As to claim 2, the prior art does not anticipate the limitation of "means for determining whether the derived numerical data calculation process is possible when one of the characteristic curves or one of the derived numerical data values is selected by a user, and displaying one of the derived data calculation user interface and the derived data adjustment user interface based on the determination result" with the other limitations of claim 2.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M Richer whose telephone number is (703) 305-5825. The examiner can normally be reached on weekdays from 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (703) 308-6829. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AMR
1/28/05



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